

## **REMARKS/ARGUMENTS**

Claims 1, 4-8, and 24 are pending in the present application. No claims were canceled or added. Claim 1 and 24 were amended. Reconsideration of the claims is respectfully requested.

Applicants wish to thank Examiner Savla for participating in a phone Conference on September 9, 2008. The 112 rejection of claims 1, 4-8, and 24 was discussed. The Examiner advised that the portions of application 10/757,250, filed on January 14, 2004, which is incorporated by reference in the present application, be specifically referenced in this response. Accordingly, applicants have specifically referenced portions of application 10/757,250, filed on January 14, 2004, which is incorporated by reference in the present application, in the arguments below.

### **I. 35 U.S.C. § 112, First Paragraph**

Claims 1, 4-8 and 24 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. This rejection is respectfully traversed.

The Examiner states that the amendments to Claims 1 and 24 filed May 12, 2008 introduce new matter not supported by the original disclosure.

Specifically, the Office Action states the limitations of “storing a first threshold value and a second threshold value in a first threshold field and a second threshold field,” a “plurality of counter fields,” “wherein the first threshold value specifies a maximum counter value in an associated counter field,” and “wherein the second threshold value specifies a minimum counter value in an associated counter field” are not supported by the original disclosure. Further, the Office Action states that there is no support for “a first threshold field,” a “second threshold field,” or a “plurality of counter fields.” Page 119, line 19 of application 10/757,250 through page 123, line 14 describes Figure 49 and 50, and supports the limitations of “storing a first threshold value and a second threshold value in a first threshold field and a second threshold field,” a “plurality of counter fields,” “wherein the first threshold value specifies a maximum counter value in an associated counter field,” and “wherein the second threshold value specifies a minimum counter value in an associated counter field.”

Figure 50 is an example of a page table entry. Elements 5030-5060 are examples of fields for storing performance monitoring structures. Specifically, page 121, lines 12 through 16 states “[t]hese performance monitoring structures may include, for example, a performance indicator, an event counter, a threshold, a range of addresses within the page that are of interest, and the like.” This passage specifically shows that fields in the page table could be used to store counters, such as an event counter, and thresholds. Further page 122, lines 8 through line 22, describes an example of using a field in the page table to store information from a counter or to even act a counter. Page 122, line 23 through page

123, line 3 describes a field in the page table used as a threshold and checking information in a counter or counter field against the value in the threshold field in the page table. Additionally page 123, line 4 through line 14, says that while the example in Figure 50 only shows one field that is a counter field and one threshold field, any number of fields could be used to store any number of counter fields and threshold fields. Thus, the above cited passage of application 10/757,250, filed on January 14, 2004 support the limitations of “storing a first threshold value and a second threshold value in a first threshold field and a second threshold field,” a “plurality of counter fields,” “wherein the first threshold value specifies a maximum counter value in an associated counter field,” and “wherein the second threshold value specifies a minimum counter value in an associated counter field.”

Furthermore, Figure 51, specifically, steps 5120 through 5190, are described in a passage starting on page 123, line 23 through page 124, line 15. This passage describes initializing counter fields, incrementing counter fields and checking the counter fields against threshold values contained in threshold fields. Thus, Figure 51 and the above referenced passage support the limitations of “storing a first threshold value and a second threshold value in a first threshold field and a second threshold field,” a “plurality of counter fields,” “wherein the first threshold value specifies a maximum counter value in an associated counter field,” and “wherein the second threshold value specifies a minimum counter value in an associated counter field.”

In the present application, page 55, line 19 through page 56, line 7, describing a portion of Figure 24, describes setting threshold to be used in determining whether to pre-fetch data, such as setting a threshold for a number of cache misses and for a number of cache lines available to be replaced. Specifically, examples are provided for determining to pre-fetch data if a number of outstanding cache misses is below a threshold and if the number of cache lines available to be replaced are greater than a threshold. Page 57, lines 21 through 26, also states the example of pre-fetching data if a number of misses exceeds some value. Thus, taking this disclosure in combination with the portion of 10/757,250, filed on January 14, 2004, cited above, which teaches that that a page table entry may be used to store information such as counter fields and threshold values that are stored in threshold fields, support the recited limitations of storing a first threshold value and a second threshold value in a first threshold field and a second threshold field,” a “plurality of counter fields,” “wherein the first threshold value specifies a maximum counter value in an associated counter field,” and “wherein the second threshold value specifies a minimum counter value in an associated counter field.”

Therefore, the rejection of Claims 1, 4-8 and 24 under 35 U.S.C. § 112, first paragraph has been overcome.

## **II. Allowable Subject Matter**

The Examiner states that Claims 1, 4-8, and 24 would be allowable if rewritten or amended to overcome the 35 U.S.C. § 112, first paragraph rejections, set forth above.

Applicants believe that the arguments presented above overcome the 35 U.S.C. § 112, first paragraph rejection of claims 1, 4-8, and 24.

## **III. Conclusion**

It is respectfully urged that the subject application is patentable and is now in condition for allowance. The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

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Respectfully submitted,

/Gerald H. Glanzman/

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